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PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF
THE STATE OF HAWAII


In the Matter of the Application of)	DOCKET NO. 2009-0048
)	
MOLOKAI PUBLIC UTILITIES, INC.)	WEST MOLOKAI ASSOCIATION'S
)	MOTION FOR ISSUANCE OF
For review and approval of rate increases;)	SUBPOENAE; MEMORANDUM IN
revised rate schedules; and revised rules.)	SUPPORT OF MOTION;
)	CERTIFICATE OF SERVICE
_____)	

WEST MOLOKAI ASSOCIATION'S MOTION FOR ISSUANCE OF
SUBPOENAE

Comes now West Molokai Association, by and through its attorney, William W. Milks, Esq., to move this Commission for issuance of subpoenae requiring the attendance of two witnesses, to testify before the Commission. This motion is brought pursuant to Sections 6 HAR 61-38 and 41. Attendance at the evidentiary hearing of Daniel Orodenker and Harold Edwards is required to provide necessary testimony at the evidentiary hearing in the above-captioned proceeding.

A "Memorandum in Support of the Motion" is attached, setting forth good cause for issuance of the subpoenae.

DATED: Honolulu, Hawaii, April 29, 2010.



William W. Milks, Counsel
for West Molokai Association

BEFORE THE PUBLIC UTILITIES COMMISSION
OF
THE STATE OF HAWAII

In the Matter of the Application of)	DOCKET NO. 2009-0048
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MOLOKAI PUBLIC UTILITIES, INC.)	MEMORANDUM IN SUPPORT OF
)	WEST MOLOKAI ASSOCIATION'S
For review and approval of rate increases;)	MOTION FOR ISSUANCE OF A
revised rate schedules; and revised rules.)	SUBPOENAE
_____)	

MEMORANDUM IN SUPPORT OF WEST MOLOKAI ASSOCIATION'S
MOTION FOR ISSUANCE OF A SUBPOENAE

By orders issued by the Commission in the above-captioned proceeding, the Commission has scheduled a three-day evidentiary hearing on the 202.2% rate increase for water rates, proposed by Molokai Public Utilities, Inc. ("MPUI"). Testimony will principally be responses to cross-examination by counsel of witnesses sponsoring prepared testimonies filed well in advance of the evidentiary hearing.

To ensure a thorough evidentiary record is developed, the Commission must hear the testimony of representatives of MPUI, in addition to the testimony of Robert O'Brien, a regulated utility economist/accounting specialist, hired by MPUI to compile the justification for the rate increase. Admittedly, Mr. O'Brien is a non-policy witness, whose testimony is limited to economic, accounting and financial matters.

As now set, the record will have no testimony of policy persons representing the MPUI.¹

Because the nature of this case involves numerous policy issues, with regard to the allocation of MPUI's and MPL's resources in the recent past and for the immediate future, WMA believes Daniel Orodenker is the only person who can speak authoritatively on recent MPUI policies leading to the filing of the application. Policy issues abound. The manner in which MPL conducts utility business through its regulated water and sewer companies has tremendous impact on rate payers, such as the members of West Molokai Association. Suffice it to state that the condition of plant-in-service of MPUI has deteriorated substantially since the last general rate increase was granted in 2003. In the Order granting the most recent permanent rate increase, MPUI promised -- and the Commission ordered-- that substantial repairs be made to the water mains in MPUI's service area. Little, if any, regular maintenance -- let alone a plan for maintenance, a budget for maintenance, and a monitoring system of meters to gauge progress of the effort -- was ever conducted. WMA believes the evidence will show that lost and unaccounted for water has increased, rather than diminished, over the seven years since MPUI's promises were made and the Commission's order was issued. A policy witness must take the witness stand and be accountable.

As another example of the need for Orodenker's testimony is confusion caused by his Responses to Information Requests, which imply that the company does not own the

¹ It is noted that Mr. Nicholas, of Molokai Properties, Ltd. has been ordered to be available to further explain Information Responses (IRs) he sponsored. (Refer, Prehearing Order, dated April 28, 2010.)

170-plus fire hydrants in the service area, and that MPUI has no obligation to maintain these components of a water system critical to the safety and public welfare within the service area.

The testimony of Mr. Orodenker is essential on such matters. It is on the basis of essentials that the Commission should approve the issuance of a subpoena, compelling the attendance of Orodenker at the evidentiary hearing. It is suggested that his appearance be scheduled for the third day of the hearing, Thursday, May 13, 2010.

Harold Edwards is one of the few individuals knowledgeable with regard to all of the considerations made with regard to the construction of the Puunana Water Treatment Facility. Because that plant was hurriedly constructed to make MPUI compliant with Federal and State safe water codes, a facility was selected with a comparatively low capital cost, but extremely high operating cost. The plant requires a high volume of water which is lost in the water treatment process. Since that plant constitutes virtually all of MPUI's rate base, and because it utilizes a high volume of expensive water for both MPUI and Waiola O' Molokai, the information to be provided by Harold Edwards is deemed helpful and necessary for the development of a complete evidentiary record in this proceeding.

It is respectfully requested that the Commission authorize issuance of a subpoena to ensure the attendance of Harold Edwards at the evidentiary hearing. Similarly to

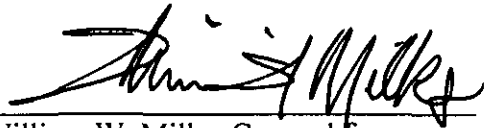
David Orodenker's appearance scheduling Harold Edwards for Thursday, May 13, 2010, will contribute to the orderliness of the presentation of evidence.

West Molokai Association will be responsible for all costs associated with ensuring the attendance of each of the two individuals identified.

Based on the foregoing, it is respectfully requested that the Commission authorize issuance of the subpoenas, as justified herein.

DATED: Honolulu, Hawaii, April 29, 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William W. Milks", written over a horizontal line.

William W. Milks, Counsel for
West Molokai Association

CERTIFICATE OF SERVICE

The foregoing pleading is to be served by hand delivery, on the date of filing, to the following parties:

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